

IN RE: PETITION FOR RESIDENTIAL	* BEFORE THE
ZONING VARIANCE	
Cor. of S/S Old Philadelphia Rd.	* ZONING COMMISSIONER
and W/S White Avenue	
8031 Old Philadelphia Road	* OF BALTIMORE COUNTY
15th Election District	
7th Councilmanic District	* Case No. 95-276-A
Perry A. Pennacchia, et ux	
Petitioners	*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Perry A. Pennacchia and Sharon S. Pennacchia, his wife, for that property known as 8031 Old Philadelphia Road in the eastern section of Baltimore County. The Petitioner/property owners herein seek a variance from Section 402 of the Baltimore County Zoning Regulations BCZR to permit a side building face on a converted two family dwelling from a public street right of way of 14 ft.(+/-), in lieu of the required 25 ft. The relief is more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits

ORDER FOR PLAT  
 3/10/95  
 Dec 10 1995  
 M. J. [Signature]


WICM 11-3-95

submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10<sup>th</sup> day of MARCH, 1995 that the Petition for a Zoning Variance from Section 402 of the Baltimore County Zoning Regulations BCZR to permit a side building face on a converted two family dwelling from a public street right of way of 14 ft.(+/-), in lieu of the required 25 ft. be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:mmm

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

March 9, 1995

Mr. and Mrs. Perry A. Pennacchia  
8031 Old Philadelphia Road  
Baltimore, Maryland 21237

RE: Petition for Administrative Variance  
Case No. 95-276-A  
Property: 8031 Old Philadelphia Road

Dear Mr. and Mrs. Pennacchia:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn  
encl.





# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

95-276-A

for the property located at

8031 Old Philadelphia Rd.  
which is presently zoned D.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 402 to permit a side building face on a converted two family dwelling from a public street right-of-way of 14' more or less, in lieu of required 25'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Unique lot configuration and placement of existing residence before enactment of zoning regulations create a practical difficulty in complying with regulations.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s)

Perry A. Pennacchia

(Type or Print Name)

Signature

Sharon S. Pennacchia

(Type or Print Name)

Signature

8031 Old Philadelphia Road 574-9509

Address

Phone No.

Baltimore, Maryland 21237

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Sharon S. Pennacchia

Name

8031 Old Philadelphia Road 574-9509

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County



REVIEWED BY: mk DATE: 2/18/95

ESTIMATED POSTING DATE: 2/19/95



Printed with Soybean Ink  
on Recycled Paper

ITEM #: 279

# Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 8031 Old Philadelphia Rd.  
address  
Bethesda Md 21237  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

building for which variance is sought  
has been in existence many years. without  
variance building would have to be torn down  
or permitted use forbidden. This is a  
practical difficulty and is based on the unique  
condition of the lot and its relationship to  
adjacent streets.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Perry A Pennacchia  
(signature)  
Perry A Pennacchia  
(type or print name)  
Perry A Pennacchia  
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:



Sharon S. Pennacchia  
(signature)  
Sharon S. Pennacchia  
(type or print name)  
W 550-0882  
H 574-9599

I HEREBY CERTIFY, this 8 day of Feb, 1995, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

2/7/95  
date

Mary L. Salamon  
NOTARY PUBLIC  
My Commission Expires: 8-1-98

MICROFILMED

95-276-A

ZONING DESCRIPTION

Beginning at the center of the intersection of White Avenue and Old Philadelphia Road and running the following courses and distances: South 25 degrees 45 minutes east 121.63 feet, South 64 degrees 15 minutes west 124.50 feet, north 25 degrees 45 minutes west 134.06 feet to the centerline of Old Philadelphia Road, thence running in the center of the road north 70 degrees 03 minutes East 125.14 feet to the place of beginning.

RECORDED

# 279

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

95-274-1A

District: 15th

Date of Posting: 2/17/95

Posted for: Variance

Petitioner: Perry + Sharon Pennacchio

Location of property: 8031 Old Phil. Rd., S/S - W/S White Ave.

Location of Signs: Facing road way, on property being zoned

Remarks: \_\_\_\_\_

Posted by: M. H. Kelly  
Signature

Date of return: 2/24/95

Number of Signs: 1





Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

95-276-A

Account: R-001-6150

Number

Item Number: 279

Taken In By: JFD/K

Date 2/8/95

Pennacchia - 8031 Old Philadelphia Rd

610- Res Varianse - \$50.00

050- 1 sign - \$35.00

Total - \$85.00

RECEIVED

OFFICE OF THE CLERK

700 BALTIMORE AVENUE

Please Make Checks Payable To: Baltimore County

Cashier Validat



ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.



ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 279

Petitioner: Perry and Sharon Pennacchia

Location: 8031 Old Philadelphia Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Perry and Sharon Pennacchia

ADDRESS: 8031 Old Philadelphia Road

Ba 140. MD. 21237

PHONE NUMBER: 574-9509

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

FEBRUARY 16, 1995

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 95-276-A (Item 279)  
8031 Old Philadelphia Road  
corner of S/S Old Philadelphia Road and W/S White Avenue  
15th Election District - 7th Councilmanic  
Petitioner(s): Perry A. Pennacchia and Sharon S. Pennacchia

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before February 19, 1995. The closing date (March 6, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

cc: Perry A. Pennacchia and Sharon S. Pennacchia

MICROFILMED



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

February 27, 1995

Mr. and Mrs. Perry A. Pennacchia  
8031 Old Philadelphia Road  
Baltimore, Maryland 21237

RE: Item No.: 279  
Case No.: 95-276-A  
Petitioner: Mr. and Mrs. Pennacchia

Dear Mr. and Mrs. Pennacchia:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on February 8, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)



BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E   C O R R E S P O N D E N C E

TO: Arnold Jablon, Director      DATE: Feb. 27, 1995  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for February 27, 1995  
Item 279 ✓

The Developers Engineering Section has reviewed the subject zoning item. White Avenue and Old Philadelphia Road are existing roads, which shall ultimately be improved as 30-foot street cross-sections on 50-foot rights-of-ways. Please show the ultimate 50-foot rights-of-ways on the plat to establish the ultimate building setback dimensions.

RWB:sw

*Petitioners  
Plat, Ex No 1,  
does show  
50 foot  
r/w for  
both White  
Ave &  
White Ave  
pss*

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: February 22, 1995

FROM: Pat Keller, Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 275, 279, and 282

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Division Chief:

PK/JL

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 02/16/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF FEB. 21, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 265, 275, 276, 277,  
278, 279, 280 AND 282.

**RECEIVED**  
FEB 21 1995  
**ZADM**

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

**MICROFILMED**



**Maryland Department of Transportation**  
**State Highway Administration**

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

2-21-95

Ms. Joyce Watson  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: \* 279 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*

*for*

Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

**BALTIMORE COUNTY, MARYLAND**  
**Inter-Office Memorandum**

DATE: February 8, 1995

TO: Hearing Officer

FROM: Mitchell J. Kellman  
Planner II, ZADM

SUBJECT: Item #279  
8031 Old Philadelphia Road

As per our conversation, the petitioner is filing an administrative variance for an existing side street setback for a two-family dwelling. The applicant is living in the larger unit of the building. She was advised by a member of the zoning staff to file this way. If you need more information, give me a call.

MJK:scj





21 W. COURTLAND STREET • BEL AIR, MARYLAND 21014

CUSTOMER RELATIONS DEPARTMENT

(410) 838-5000

July 30, 1993

Ms. Sharon Pennacchia  
8025 Old Philadelphia Road  
Baltimore, Maryland 21237

Re: 8031 Old Philadelphia Road  
Baltimore, Maryland 21237

This letter confirms that according to our records, meter number S 708523 was set August 1, 1968 at 8031 Old Philadelphia Road and is currently active at the same address.

In addition, a second meter, number S 42764012, was set April 1, 1976 and is currently active at 8031 Old Philadelphia Road.

Sincerely,

Daniel C. Plakatoris  
Customer Representative

fhc

# 279

# Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 8031 Old Philadelphia Rd

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Pennine Pennachia Property (minor subdivision)

plat book#       , folio# 1, section#       

OWNER: Peck & Slocum S. Pennachia

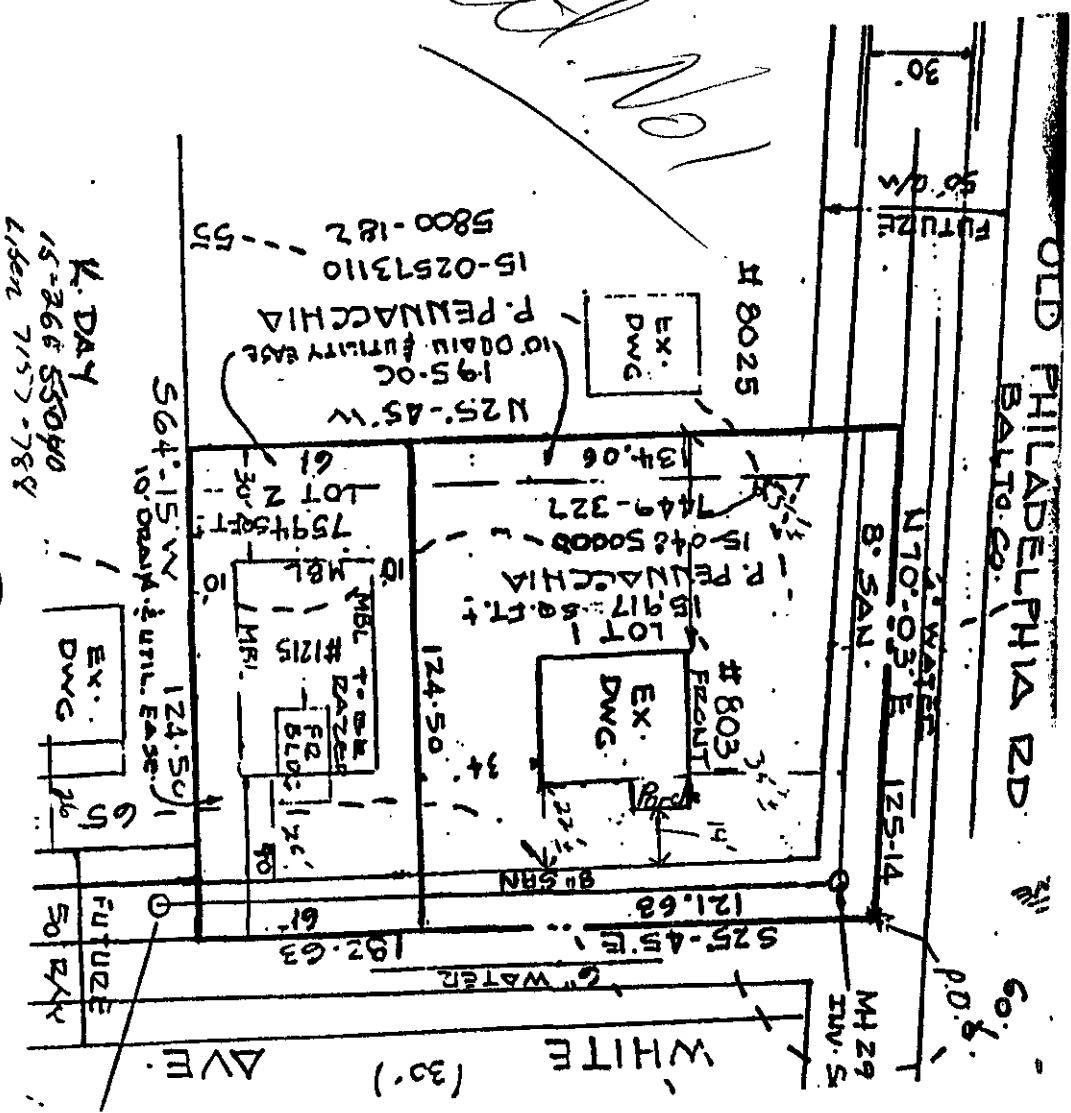


North

date: 1/25/85

prepared by: COAST

Scale of Drawing: 1" = 50



K. DAY  
15-266 53040  
1582 7157-788

95-276-A

## LOCATION INFORMATION

Councilmanic District: 7th

Election District: 15th

1"-200' scale map: N.E. 3E

Zoning: D.A. 5.5

Lot size: 372 square feet

Public sewer: ☒ Private sewer: ☐

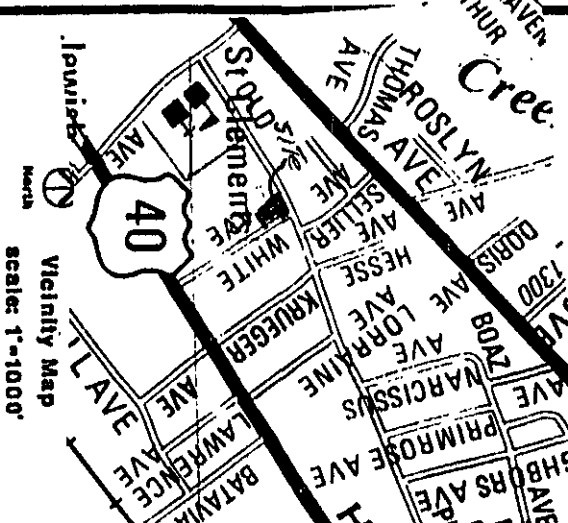
Water: ☒ No water: ☐

Chesapeake Bay Critical Area: ☐ Yes ☒ No

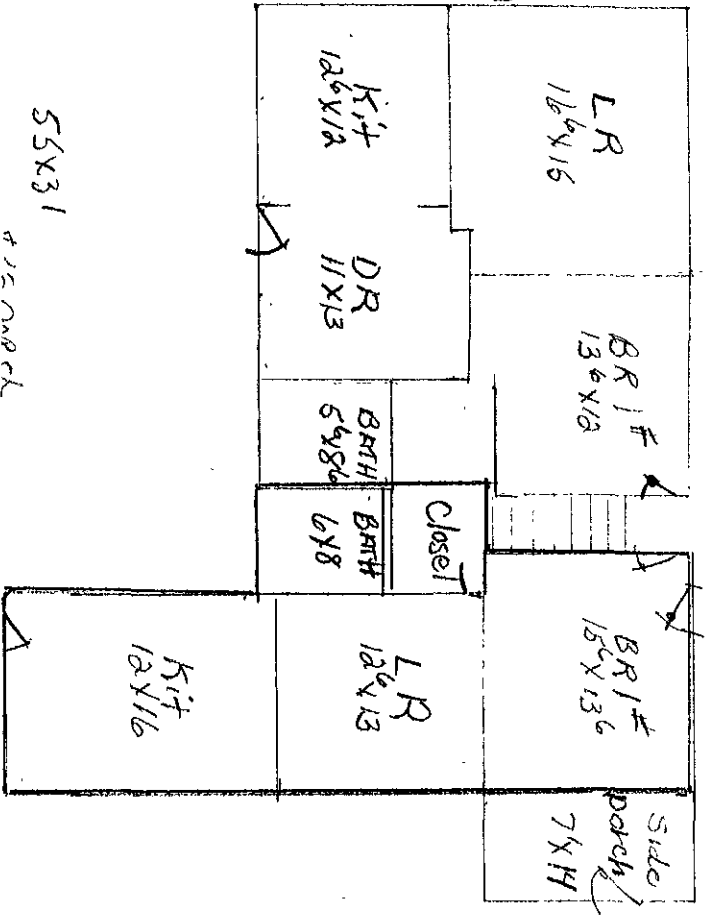
Prior Zoning Hearings: NONE

## Zoning Office USE ONLY!

reviewed by: MMK ITEM #: 279 CASE#:       



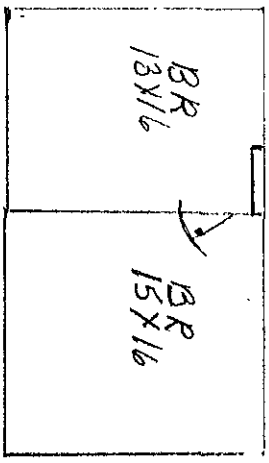
Pennacchia, Perry & Shanon  
 8031 Old Philadelphia Rd  
 Balt: Md 21237



55x31

4 1/2 mark

Upstairs BR's #3 #



95-276-A

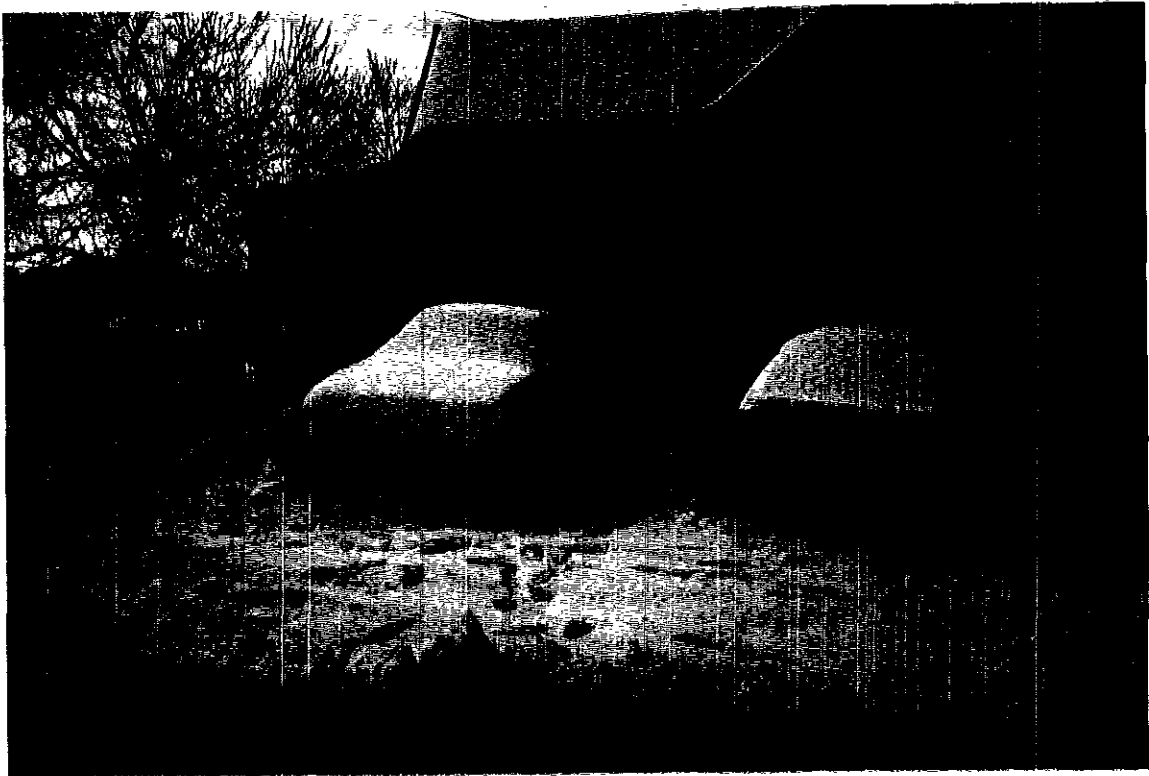
#279

MICROFILMED

95-276-A



- Rear

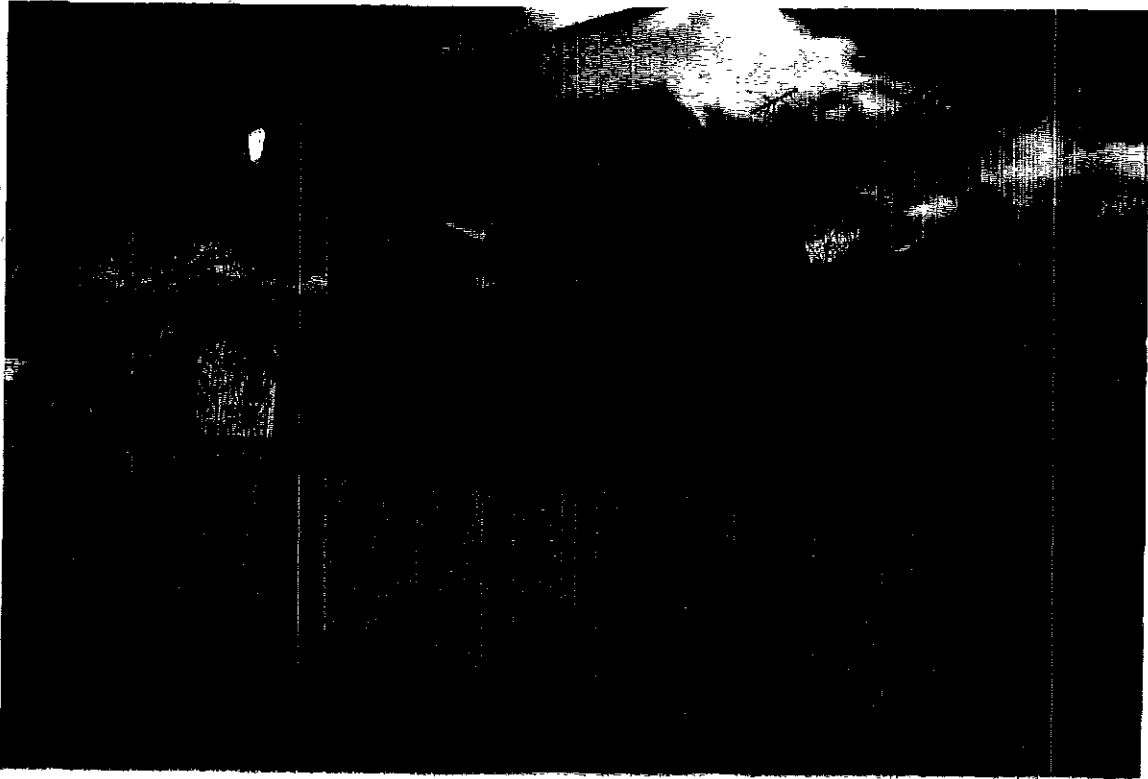


L-side  
facing house



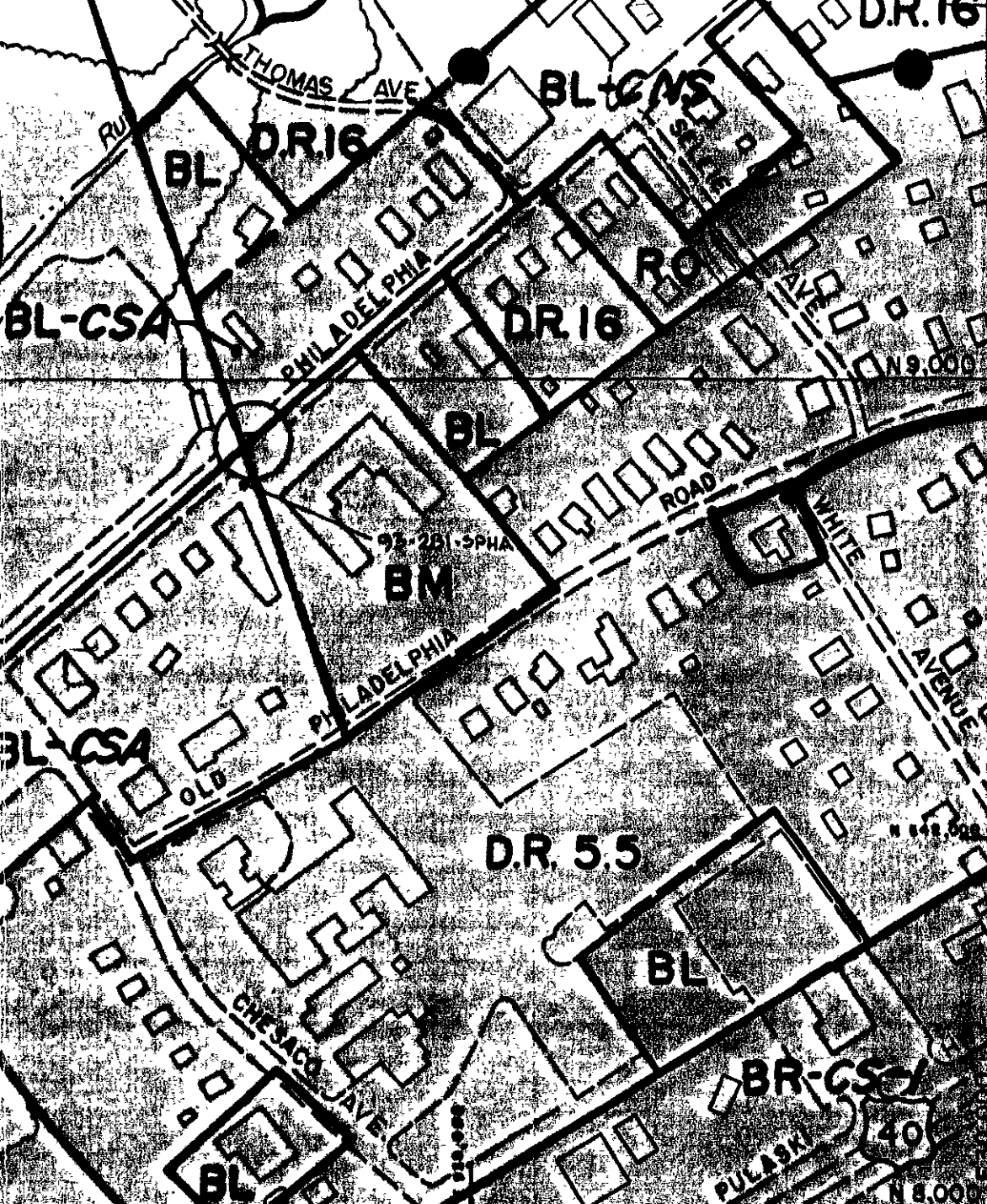
White  
are. on @  
A house

95-276-A



Front.

WBC 10/11/12



PLAN HOLD CORPORATION • IRVINE CALIFORNIA

POSITION EDGE OF PRINT ON THIS LINE

NE 3-E



PLAN HOLD CORPORATION • IRVINE CALIFORNIA

POSITION EDGE OF PRINT ON THIS LINE

SCALE

1" = 200'

LOCATION

ROSEDALE

SHEET

NE

3-E

DATE OF PHOTOGRAPHY  
JANUARY 1988

95-276-A

#279





PREPARED BY AER PHOTOGRAPHICS, INC.  
MARTINSBURG, W. V. 25401

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	ROSEDALE	N.E.
DATE OF PHOTOGRAPHY JANUARY 1986	MICROFILMED	3-E
		#279

95-276-A



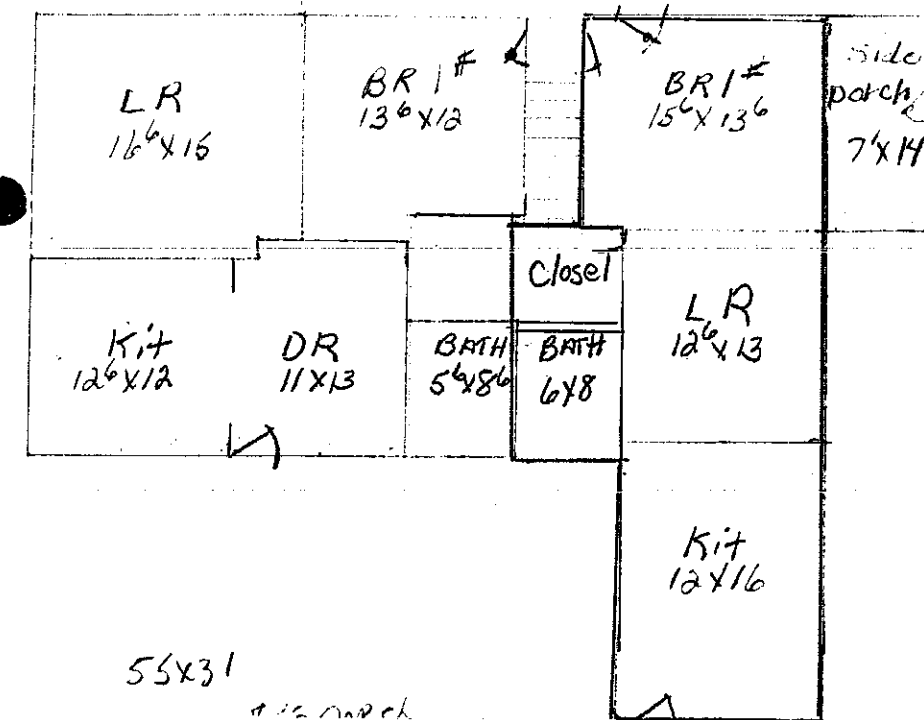




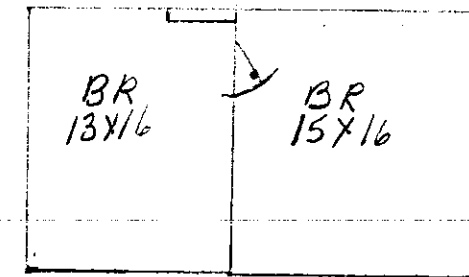




Pennacchia, Perry & Sharon  
8031 Old Philadelphia Rd  
Bald: MD 81237



upstairs BR's 2<sup>nd</sup> #



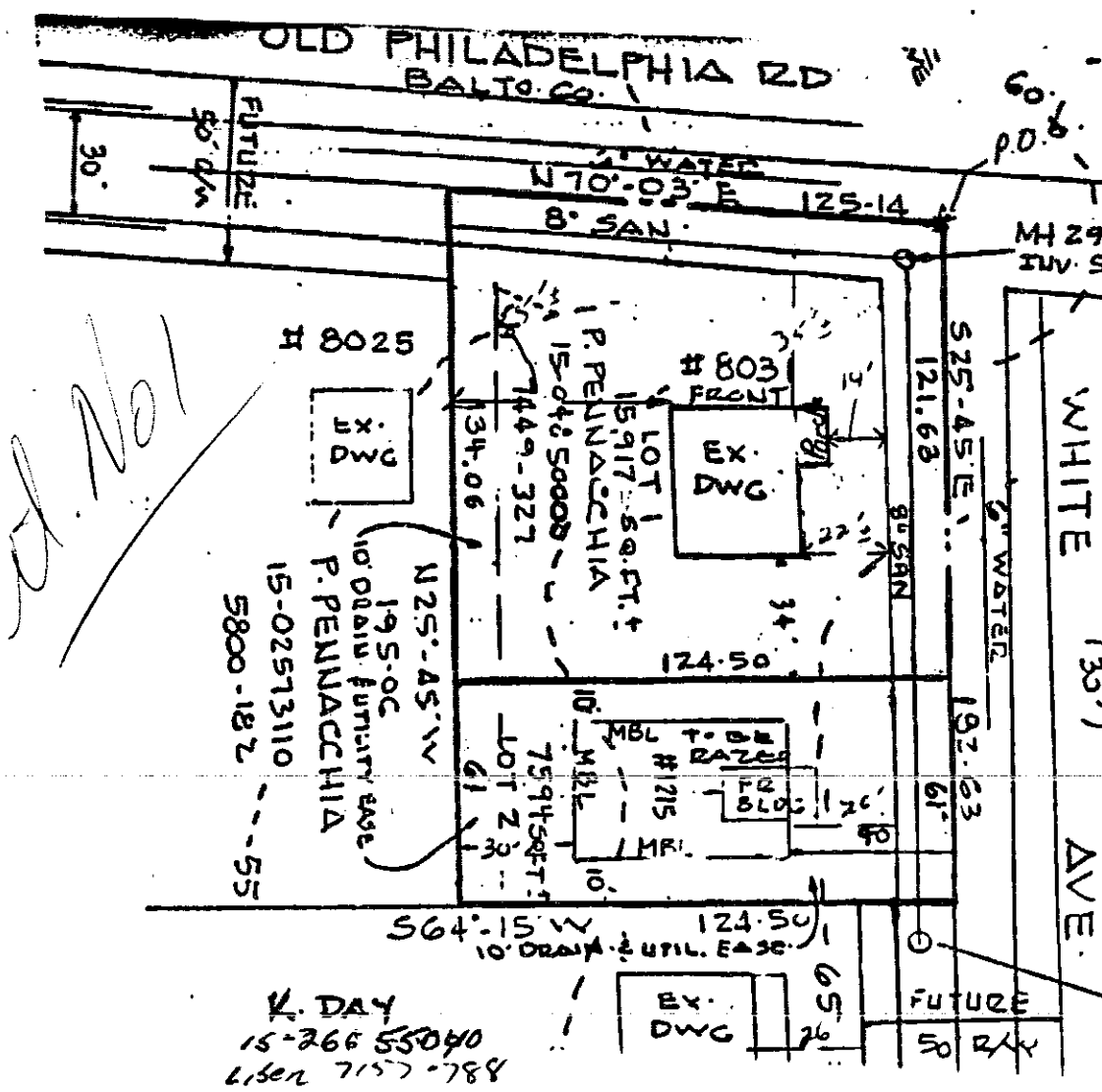
95-276-A

#279

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

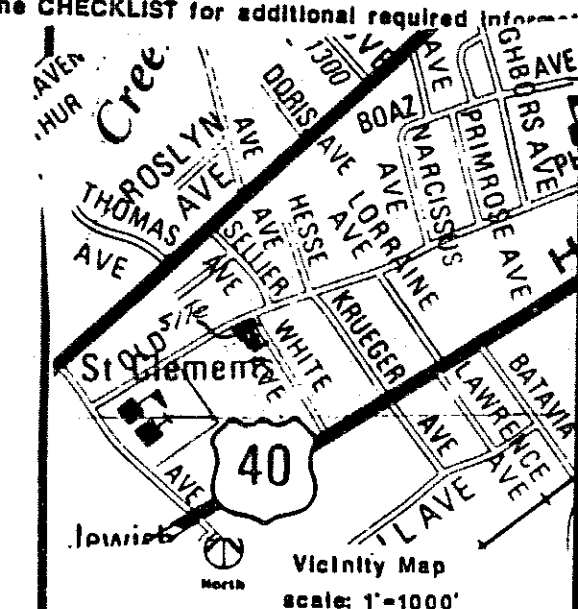
PROPERTY ADDRESS: 8031 Old Philadelphia Rd  
Subdivision name: Pennacchia Property (minor subdivision)  
plat book #, folio #, lot #, section #

OWNER: Perry & Sharon S. Pennacchia



North  
date: 12/25/84  
prepared by: [signature]

Scale of Drawing: 1" = 32'



LOCATION INFORMATION

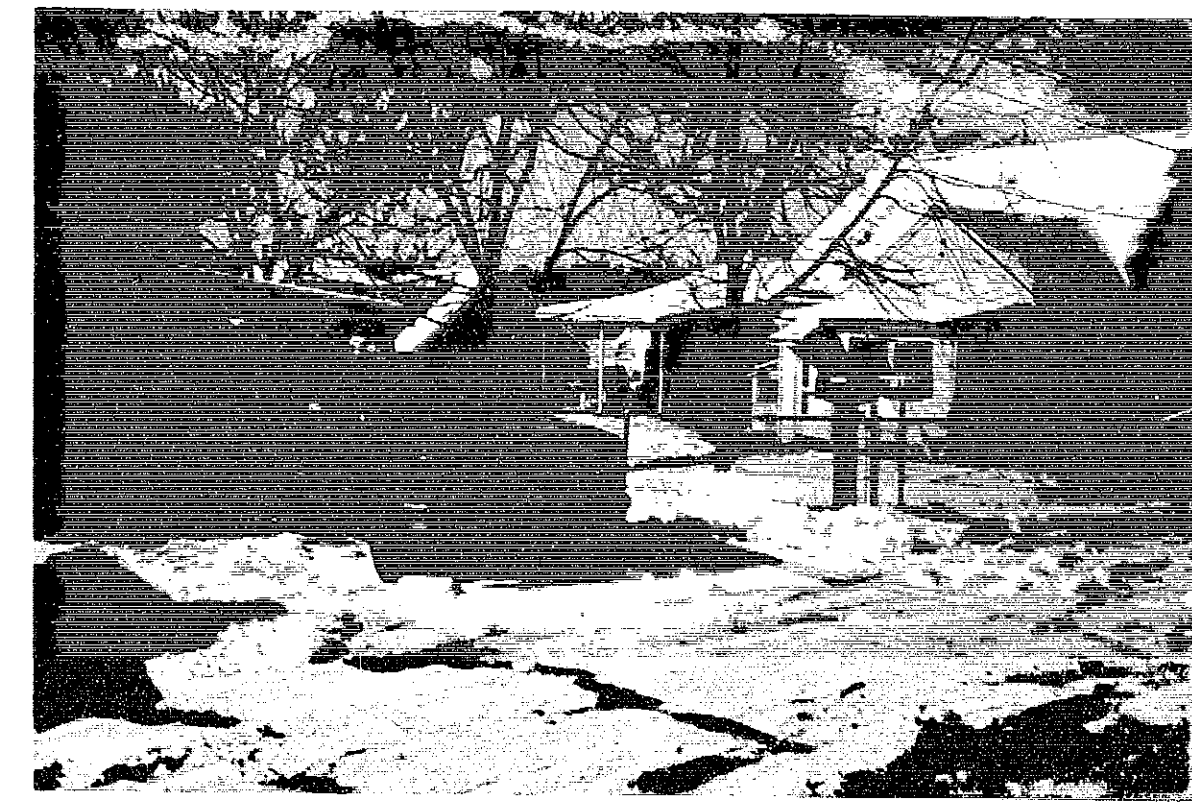
Councilmanic District: 7<sup>th</sup>  
Election District: 15  
1"=200' scale map: N.E. 3E  
Zoning: DR 5.5  
Lot size: 37,927 square feet  
Sewer: ☒  
Water: ☒  
Chesapeake Bay Critical Area: ☒  
Prior Zoning Hearings: none

Zoning Office USE ONLY

reviewed by: ITEM #: CASE#:  
MDK 279



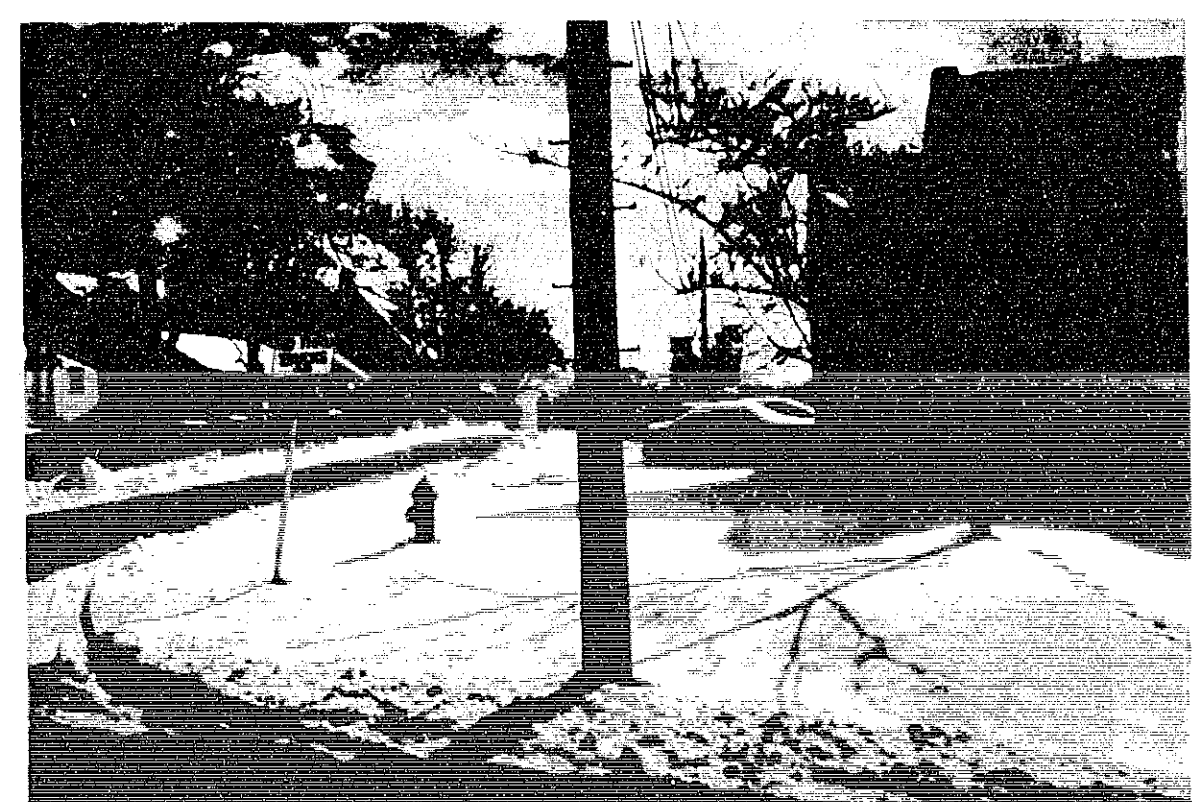
Front.



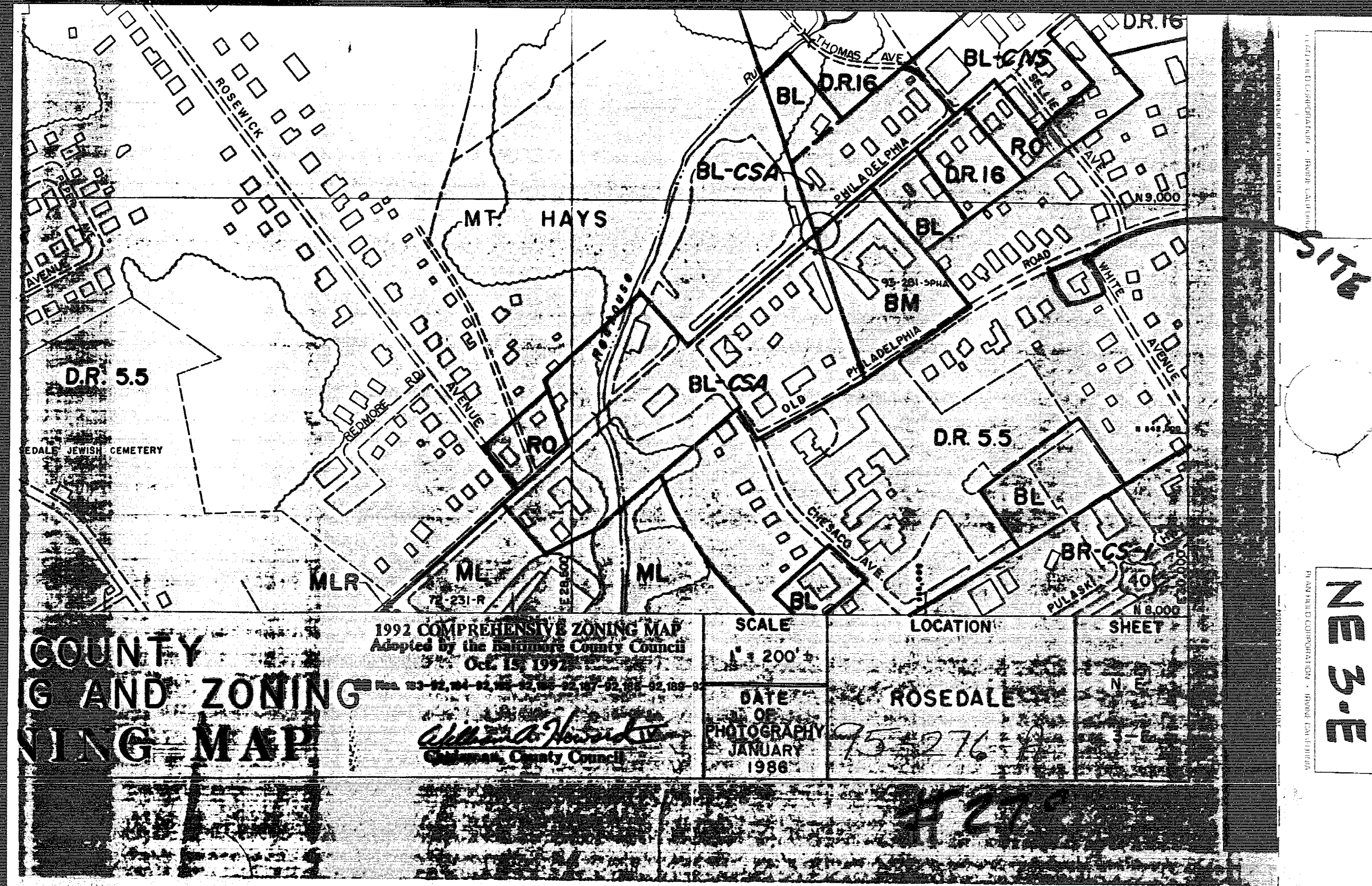
Rear



L-side facing house



White Dr. on @ of house







BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W. V. 25401

SCALE  
1" = 200' ±

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION

ROSEDALE

SHEET

N.E.  
3-E

#279

95-276-A